

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

SHEILA PORTER,)	
)	
Plaintiff)	
)	
V.)	Civil Action No. 04-11935-DPW
)	
ANDREA CABRAL, SUFFOLK)	
COUNTY SHERIFF'S DEPARTMENT,)	
SUFFOLK COUNTY, and)	
CORRECTIONAL MEDICAL)	
SERVICES, INC.)	
)	
Defendants)	

DECLARATION OF DAVID S. SCHUMACHER

I, David S. Schumacher, depose and state the following:

1. I am an attorney with the law firm Goodwin Procter LLP, Exchange Place, Boston, Massachusetts, 02109, and a member in good standing of the bar of the Commonwealth of Massachusetts and the United States District Court for the District of Massachusetts.
2. Goodwin Procter is counsel to Plaintiff Sheila Porter ("Mrs. Porter") in the above-captioned proceeding. I submit this Declaration in support of Mrs. Porter's Opposition to the Motions for Summary Judgment filed by Andrea Cabral ("Ms. Cabral"), Suffolk County Sheriff's Department ("SCSD") and Suffolk County (collectively, "Suffolk Defendants") and Correctional Medical Services, Inc. ("CMS").
3. Attached hereto as Exhibit 1 is a Declaration of Sheila Porter.
4. Attached hereto as Exhibit 2 are true and accurate copies of portions of the deposition of Donna Jurdak, dated June 20, 2005.

5. Attached hereto as Exhibit 3 are true and accurate copies of portions of the deposition of Ann Mack, dated May 3, 2005.

6. Attached hereto as Exhibit 4 are true and accurate copies of portions of the deposition of Gerard Horgan, dated May 13, 2005.

7. Attached hereto as Exhibit 5 are true and accurate copies of a letter from Gerard Horgan to Nancy Lawrence, dated August 26, 2002 and a memo from Donna Jurdak, dated December 28, 1994.

8. Attached hereto as Exhibit 6 is a true and accurate copy of an Affidavit of Christa Snyder, dated June 9, 2005.

9. Attached hereto as Exhibit 7 are true and accurate copies of portions of the deposition of Mary Ellen Mastrorilli, dated June 27, 2005.

10. Attached hereto as Exhibit 8 are true and accurate copies of portions of the deposition of Brian Dacey, dated June 16, 2005.

11. Attached hereto as Exhibit 9 is a true and accurate copy of a Memorandum from Mary Ellen Mastrorilli to Patrick Bradley, dated May 23, 2003, produced to Mrs. Porter by the Suffolk Defendants.

12. Attached hereto as Exhibit 10 is a true and accurate copy of a Sheriff's Investigation Division ("SID") Incident Report, dated May 23, 2003, produced to Mrs. Porter by the Suffolk Defendants.

13. Attached hereto as Exhibit 11 is a true and accurate copy of a SID Incident Report, dated May 23, 2003, produced to Mrs. Porter by the Suffolk Defendants.

14. Attached hereto as Exhibit 12 is a true and accurate copy of a Memorandum from Sonya Aleman, dated May 29, 2003, produced to Mrs. Porter by the Suffolk Defendants

15. Attached hereto as Exhibit 13 is a true and accurate copy of a Press Statement produced to Mrs. Porter by the Suffolk Defendants.

16. Attached hereto as Exhibit 14 is a true and accurate copy of a transcript of a debate between Ms. Cabral and Steven Murphy, dated September 8, 2004.

17. Attached hereto as Exhibit 15 is a true and accurate copy of E. McCardle, "The New Enforcers," *Boston Globe Magazine*, October 29, 2004, p.32

18. Attached hereto as Exhibit 16 are true and accurate copies of portions of the deposition of Andrea Cabral, dated May 6, 2005.

19. Attached hereto as Exhibit 17 is

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20. Attached hereto as Exhibit 18 are true and accurate copies of portions of the deposition of Viktor Theiss, dated May 24, 2005.

21. Attached hereto as Exhibit 19 is a true and accurate copy of a Memorandum Prepared by Christa J. Snyder dated June 2, 2003, produced to Mrs. Porter by the U.S. Attorney in its Opposition to the Suffolk Defendants' Motion to Compel.

22. Attached hereto as Exhibit 20 is a true and accurate copy of Policy S-220 (effective in June 2003), produced to Mrs. Porter by the Suffolk Defendants.

23. Attached hereto as Exhibit 21 are true and accurate copies of portions of the deposition of Elizabeth Keeley, dated May 11, 2005.

24. Attached hereto as Exhibit 22 are true and accurate copies of a spreadsheet produced to Mrs. Porter by the Suffolk Defendants.

25. Attached hereto as Exhibit 23 is a true and accurate copy of a Memo from Mary Ellen Mastroilli, dated February 26, 2003, a Memo from Ms. Mastroilli dated February 26,

2003, a Memo from Pauline Sweeney dated December 7, 1999, a letter from Neville Arthur dated October 13, 1999, a Memo from Gerald Walsh dated April 29, 2005 and a Memo from Michael Powers dated April 27, 2005, produced to Mrs. Porter by the Suffolk Defendants.

26. Attached hereto as Exhibit 24 is a true and accurate copy of a letter from Gerald Walsh to John Hewit-Morey, dated February 16, 2005, produced to Mrs. Porter by the Suffolk Defendants.

27. Attached hereto as Exhibit 25 are true and accurate copies of SCSD investigative materials, produced to Mrs. Porter by the Suffolk Defendants.

28. Attached hereto as Exhibit 26 is a true and accurate copy of an Incident Report, dated May 19, 2003, produced to Mrs. Porter by the Suffolk Defendants.

29. Attached hereto as Exhibit 27 is a true and accurate copy of a Memorandum by Andrea Cabral, dated June 18, 2003, produced to Mrs. Porter by the Suffolk Defendants.

30. Attached hereto as Exhibit 28 is

REDACTED

31. Attached hereto as Exhibit 29 is a true and accurate copy of Policy S-220 (effective April 2005), produced to Mrs. Porter by the Suffolk Defendants.

32. Attached hereto as Exhibit 30 is a true and accurate copy of the Report on the Special Commission on the Suffolk County Sheriff's Department, dated October 15, 2002.

33. Attached hereto as Exhibit 31 is a true and accurate copy of portions of the Post Hearing Brief of Employer, *Suffolk County Sheriff & AFSCME* (Joseph Upton), #J-51

34. Attached hereto as Exhibit 32 is a true and accurate copy of portions of Suffolk County's Post-Hearing Brief, *AFSCME and Suffolk County*, No. E-237 (Robert Parise), pp. 48-49 (8/20/01)

35. Attached hereto as Exhibit 33 is a true and accurate copy of the Post-Hearing Brief of Employer, *Suffolk County Sheriff & AFSCME*, No. #-236 (David DiCenso)

36. Attached hereto as Exhibit 34 are true and accurate copies of a document entitled Ethics and Professionalism in Norfolk County Sheriff's Office, produced to Mrs. Porter by the Suffolk Defendants.

37. Attached hereto as Exhibit 35 are true and accurate copies of the deposition of Richard Feeney in *Baron v. Hickey*, No. 01-10143-PBS, April 16, 2002, pp. 38-39

38. Attached hereto as Exhibit 36 are true and accurate copies of a Complaint filed in *Feliz v. Suffolk County House of Correction*, No. 99-131745, and an oral interview from *Feliz v. Suffolk County Sheriff's Department House of Correction*, No. 99-131745 (Suffolk Sup. Ct.)

39. Attached hereto as Exhibit 37 is a true and accurate copy of the Complaint in *Davis v. Suffolk County, et al.*, No. 04-11851-WGY.

40. Attached hereto as Exhibit 38 is a true and accurate copy of the Affidavit of Paul Davis in *Davis v. Suffolk County, et al.*

41. Attached hereto as Exhibit 39 is a true and accurate copy of the Complaint in *Michelman v. Suffolk County, et al.*, No. 05-cv-11577-RGS.

42. Attached hereto as Exhibit 40 is a true and accurate copy of the deposition of Marie Lockhart in *John Doe v. Sheriff Richard J. Rouse, et al.*, dated October 10, 2002.

43. Attached hereto as Exhibit 41 is a true and accurate copy of a Request for Proposal issued by Suffolk County, dated November 17, 2000, produced to Mrs. Porter by CMS.

44. Attached hereto as Exhibit 42 is a true and accurate copy of a Contract between Suffolk County and CMS, dated February 6, 2001, produced to Mrs. Porter by CMS.

45. Attached as Exhibit 43 is a true and accurate copy of portions of CMS' Response to the Suffolk County Request for Proposal, produced to Mrs. Porter by CMS.

46. Attached as Exhibit 44 is a true and accurate copy of a transcript of a news report from WCVB TV Channel 5, dated August 25 and 26, 2004.

47. Attached hereto as Exhibit 45 is a true and accurate copy of portions of the deposition of Steven Tompkins, dated June 28, 2005.

48. Attached hereto as Exhibit 46 is a true and accurate copy of Estes, A., "Nurse Fired From Jail Job Speaks Out," *Boston Globe*, August 25, 2004, p. B2

49. Attached hereto as Exhibit 47 is a true and accurate copy of the CMS Employee Success Guide, produced to Mrs. Porter by CMS.

50. Attached hereto as Exhibit 48 is a true and accurate copy of a Memorandum from Donna Jurdak, produced to Mrs. Porter by CMS

51. Attached hereto as Exhibit 49 is a true and accurate copy of a Memorandum allegedly from Donna Jurdak, produced to Mrs. Porter by CMS

52. Attached hereto as Exhibit 50 is a true and accurate copy of the Supplemental Answers of Defendant CMS to Mrs. Porter's First Set of Interrogatories.

53. Attached hereto as Exhibit 51 are true and accurate copies of cases cited in Mrs. Porter's Oppositions that were not reported.

Signed under the penalties of perjury this 14th day of November, 2005.

/s/ David Schumacher
David S. Schumacher